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UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Thomas Magyar et al
Application Number: 10/544,215
Filing Date: 07/29/2005
Group Art Unit: 3677
Examiner: Chuck Y. Mah
Title: DOOR HANDLE

Mail Stop Appeal Brief - Patents
Commissioner for Patents
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AMENDED APPEAL BRIEF

Appellants herewith file an amended Appeal Brief in the above-identified application. The Appeal Brief was accompanied by the requisite fee set forth in 37 CFR 1.17(f) on June 26, 2008. This amended Appeal Brief is filed in response to the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) dated January 13, 2009 and is accompanied by a request for a two-month extension of time.

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(1) REAL PARTY IN INTEREST

The real party in interest is BSH Bosch und Siemens Hausgeraete GmbH.

(2) RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) STATUS OF CLAIMS

Claims 14 - 32 are pending in the application and have been finally rejected. Claims 1 – 13, 33, and 34 have been canceled. The final rejection of claims 14 - 32 is being appealed.

(4) STATUS OF AMENDMENTS

In response to the Final Rejection dated October 31, 2007, a Response was filed on March 31, 2008. A Notice of Appeal was received in the US Patent Office on April 3, 2008. An Advisory Action was mailed on May 15, 2008. An Amendment has been filed on even date herewith to overcome the rejection of claims 14 – 34 under 35 U.S.C. § 112, first and second paragraph, and thereby place the present application in better condition for appeal.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

CLAIM 14

Independent claim 14 of the present application recites a door handle 1 for mounting on a refrigeration furniture door (Paragraph [0030] and Figures 1 – 5).

The door handle 1 is a simple but effective construction made up of an elongated middle piece 2 and two end pieces 3,4 (Paragraph [0031] and Figures 1 – 4). Receiving elements are formed on either one of the end pieces 3, 4 or the middle piece 2, with at least two plug elements 21, corresponding to the receiving elements 35 formed on one of the middle piece 2 or the end pieces 3,4(Paragraph [0038] and Figures 1 – 3). The end pieces 3,4 are fixed to the middle piece 2 by the plug elements 21 being inserted into the receiving elements 35 on opposite ends of the middle piece 2, thereby extending the middle piece 2 in the longitudinal direction with the receiving elements having substantially continuous peripheral walls over their entire length (Paragraph [0031] and Figures 1 – 4).

CLAIM 25

According to independent claim 25, and as seen in Fig. 1, an assembly kit for a door handle 1 adapted to be mounted generally horizontally on a refrigerator furniture door is provided (Paragraph [0030] and Figures 1 – 5). The kit comprises an elongated middle piece 2 and two end pieces 3, 4 (Paragraph [0031], Paragraph [0032], and Figures 1 – 5). Receiving elements are formed on either one of the end pieces 3, 4 or the middle piece 2, with at least two plug elements 21, corresponding to the receiving elements 35 formed on one of the middle piece 2 or the end pieces 3,4(Paragraph [0038] and Figures 1 – 3). The end pieces 3,4 are fixed to the middle piece 2 by the plug elements 21 being inserted into the receiving elements 35 on opposite ends of the middle piece 2, thereby extending the middle piece 2 in the longitudinal direction with the receiving elements having substantially continuous peripheral walls over their entire length (Paragraph [0031] and Figures 1 – 4).

CLAIM 29

Independent claim 29 recites a method for producing a door handle 1, comprising forming a profile strand and cutting a pre-determined length from the profile strand forming an elongated middle piece 2, forming two end pieces 3,4 by individually molding each of the end pieces 3,4, and forming receiving elements, corresponding in number to at least two plug elements 21, on at least one of the middle piece 2 and the end pieces 3,4 (Paragraph [0031], Paragraph [0032], and Figures 1 – 5). Additionally, the method includes forming at least two plug elements on the other one of the middle piece and the end pieces and fixing the end pieces to the middle piece by inserting the plug element into the receiving elements on opposite ends of the middle piece (Paragraph [0031], Paragraph [0032], and Figures 1 – 5). Also, the method includes attaching the end pieces 3,4 to the middle piece 2, extending the middle piece in the longitudinal direction and forming the receiving elements with substantially continuous peripheral walls over their entire length.

(6) GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 14 – 32 are unpatentable under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,144,718 to Ozawa?

(7) ARGUMENT

Whether claims 14 – 32 are unpatentable under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,144,718 to Ozawa?

U.S. Patent No. 5,144,718 to Ozawa discloses a door pull 6 for a door 2. The door pull 6 has a hollow pull member 7 and a pair of fittings 8, 9 to be

coupled with opposite ends of the pull member 7 (column 2, lines 12 – 20 and Figures 1 - 7). The fittings 8, 9 include a hollow block 15 and a projection 16 extending from the hollow block 15 integrally therewith (column 2, lines 21 – 36 and Figures 1 - 7). The projection 16 has a base 17 and an end 18 which is slightly thinner than the base, with the end of the projection 16 having grooves 19 (column 2, lines 12 – 20 and Figures 1 - 7). An elastic tubular spacer 20 of synthetic resin is attached to and around the end of the projection 16 and includes wedges 21 so that the spacer 20 can be partially deformed inwardly by the wedges 21 into the grooves 19 when the fitting is connected to the hollow pull member 7 (column 2, lines 21 – 36) (column 2, lines 21 – 36 and Figures 1 - 7).

The Examiner asserts that U.S. Patent No. 5,144,718 to Ozawa discloses a door handle a door handle for mounting on a refrigeration furniture door (Official Action, p. 2). However, Appellants submit that U.S. Patent No. 5,144,718 to Ozawa does not teach or disclose a door handle for mounting on a refrigeration furniture door. As may be appreciated, the U.S. Patent No. 5,144,718 to Ozawa door handle is a much more complex arrangement than the elements recited in Appellants' claims. Thus, U.S. Patent No. 5,144,718 to Ozawa does not teach or disclose the door handle recited in claims 14 and 25 or the method recited in claim 29 of the present application.

Accordingly, U.S. Patent No. 5,144,718 to Ozawa does not teach disclose or suggest the arrangement described by the Examiner in rejecting the present claims under U.S. Patent No. 5,144,718 to Ozawa. Therefore, the rejection of Claims 14 - 32 under 35 U.S.C § 102(b) as being anticipated by U.S. Patent No. 5,144,718 to Ozawa is in error and it is respectfully requested that the outstanding rejection be reversed.

(8) CONCLUSION

In view of the foregoing discussion, it is respectfully requested that the

Honorable Board of Patent Appeals and Interferences overrule the final rejection of Claims 14 - 32 over the cited art, and hold that the Appellants' claim be allowable over such art.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Howard', written in a cursive style.

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CLAIMS APPENDIX

1-13 (canceled)

14. A door handle for mounting, generally horizontally on a refrigeration furniture door, comprising:
an elongated middle piece;
two end pieces;
receiving elements, corresponding in number to at least two plug elements, and formed on at least one of said middle piece and said end pieces;
at least two plug elements formed on the other one of said middle piece and said end pieces;
said end pieces fixed to said middle piece by said plug elements inserted into said receiving elements on opposite ends of said middle piece; and
said end pieces attached to said middle piece, extending said middle piece in the longitudinal direction and said receiving elements having substantially continuous peripheral walls over their entire length.
15. The door handle according to claim 14, including said middle piece has a substantially straight profile.
16. The door handle according to claim 14, including said middle piece is an injection molded part.
17. The door handle according to claim 14, including said middle piece is a hollow extruded profile.

18. The door handle according to claim 14, including at least one of said receiving elements is formed on said middle piece and one of said plug elements complementary to said receiving element is formed on one of said end pieces.
19. The door handle according to claim 14, including the plugging direction of each receiving element and a plug element corresponding thereto is substantially parallel to the longitudinal axis of said middle piece.
20. The door handle according to claim 14, wherein each plug element includes a base surrounded by a circumferential projection which forms a stop for a receiving element corresponding thereto.
21. The door handle according to claim 20, including said plug element including a scoring for frictionally locking said plug element into said receiving element.
22. The door handle according to claim 14, including the outer contour of said middle piece continues substantially continuously into said end pieces.
23. The door handle according to claim 14, including at least one of said end pieces including a retaining toggle for form-locking connection to the furniture door.
24. The door handle according to claim 14, including at least one of said end pieces including at least one through hole adapted for inserting at least one fixing means for fixing said end piece to the furniture door.

25. An assembly kit for a door handle adapted to be mounted generally horizontally on a refrigerator furniture door, said kit comprising:
an elongated middle piece;
two end pieces;
receiving elements, corresponding in number to at least two plug elements, and formed on at least one of said middle piece and said end pieces;
at least two plug elements formed on the other one of said middle piece and said end pieces;
said end pieces adapted to be fixed to said middle piece by said plug elements;
said plug elements adapted to be inserted into said receiving elements on opposite ends of said middle piece; and
said end pieces when attached to said middle piece, extending said middle piece in the longitudinal direction, and said receiving elements having substantially continuous peripheral wall over their entire length.
26. The assembly kit according to claim 25, including said middle piece is a hollow extruded profile and including at least one of said receiving elements is formed on said middle piece and one of said plug elements complementary to said receiving element is formed on one of said end pieces.
27. The assembly kit according to claim 25, including at least one of said end pieces including a retaining toggle for a form-locking connection to the furniture door.

28. The assembly kit according to claim 25, including at least one of said end pieces including at least one through hole adapted for inserting at least one fixing means for fixing said end piece to the furniture door.
29. A method for producing a door handle, comprising:
 - forming a profile strand and cutting a pre-determined length from said profile strand forming an elongated middle piece;
 - forming two end pieces by individually molding each of said end pieces;
 - forming receiving elements, corresponding in number to at least two plug elements, on at least one of said middle piece and said end pieces;
 - forming at least two plug elements on the other one of said middle piece and said end pieces;
 - fixing said end pieces to said middle piece by inserting said plug element into said receiving elements on opposite ends of said middle piece; and
 - attaching said end pieces to said middle piece, extending said middle piece in the longitudinal direction and forming said receiving element with substantially continuous peripheral walls over their entire length.
30. The method according to claim 29, including forming said middle piece with a hollow extruded profile and forming at least one of said receiving elements on said middle piece and forming one of said plug elements complementary to said receiving element on one of said end pieces.
31. The method according to claim 29, including forming a retaining toggle on at least one of said end pieces for a form-locking connection to the furniture door.

32. The method according to claim 29, including forming at least one through hole in at least one of said end pieces adapted for inserting at least one fixing means for fixing said end piece to the furniture door.
33. (Canceled)
34. (Canceled)

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None